

REMARKS

Claim Status

Claims 1-8 and 11-15 are pending in the present application. No additional claims fee is believed to be due.

Claims 9-10 have been previously canceled.

Claims 1-5, 7, 8, and 11-15 have been previously presented.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over US 6,114,298 (Petri et al.) in view of US 6,612,468 (Pritchett et al.)

Claims 1-8 and 11-15 have been rejected under 35 USC §103(a) as being unpatentable over Petri et al. in view of Pritchett et al. The Examiner asserts that Petri in view of Pritchett teaches a nozzle which communicates with an inner axial downwardly open tube which forms a top foamer unit housing, and fitting closely in the tube is a cylindrical plastic tube having ultrasonically welded across its open ends a disk of coarse nylon mesh and fine nylon mesh. Therefore, the Examiner concludes that Pritchett teaches a top foamer unit housing which contains a nozzle, and mesh, in its interior passage of the nozzle. Applicants traverse the present rejection based upon the following comments.

Notwithstanding the question of whether Petri in view of Pritchett teaches one or more meshes in an axial, downwardly open tube, Applicants respectfully submit that such an orientation does not meet Applicants' claim limitations. Specifically, Applicants' claims require an additional mesh and/or sponge located slightly within, and/or at the tip of the *nozzle*. According to Fig. 1 of Pritchett, its nozzle is denoted as feature 12, while feature 11 refers to the "axial downwardly open tube". Further, the meshes discussed in Pritchett are only disclosed with respect to their orientation *within* the axial downwardly open tube. Nothing in the combination of Petri and Pritchett otherwise teaches or suggests other orientations of such meshes, or any alternative benefits achieved by

positioning the mesh in other positions within the dispensing device. Accordingly, Petri and Pritchett fail to provide any motivation for one of skill in the art to form Applicants' claimed invention.

The combination of Petri and Pritchett fail to teach or suggest each and every feature of Applicants' claimed invention. Therefore, Claims 1-8 and 11-15 are unobvious over the combination of Petri et al. and Pritchett et al.

Rejection Under 35 USC §103(a) Over US 6,114,298 (Petri et al.) in view of US
5,431,345 (Lund et al.)

Claims 1-8 and 11-15 have been rejected under 35 USC §103(a) as being unpatentable over Petri et al. in view Lund et al. The Examiner asserts that Petri in view of Lund teaches a foam generating dispenser with at least one screen placed at any angle or orientation with respect to the spray discharge orifice. Applicants traverse the present rejection based upon the following comments.

The combination of Petri and Lund fail to teach or suggest each and every limitation of Applicants' claimed invention. Specifically, while Lund teaches the optional use of multiple screens in its dispenser (See Lund at col. 5, lines 52-55), Applicants' claims require one mesh and an additional mesh located within, and/or at the tip of the nozzle of the container. In contrast, Lund only teaches the positioning and function of one or more meshes at the dispensing orifice. Accordingly, Petri and Lund fail to provide any teaching or suggestion for positioning one or more meshes at locations other than at the dispensing orifice. Therefore, the combination of Petri and Lund fail to teach or suggest a mesh and an *additional* mesh within and/or at the tip of the nozzle of the container according to Applicants' claims.

The combination of Petri and Lund fail to teach or suggest each and every feature of Applicants' claimed invention. Therefore, Claims 1-8 and 11-15 are unobvious over the combination of Petri et al. and Lund et al.

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Nonstatutory Obviousness-type Double Patenting

Claims 1-3, 6-8, 11, and 12 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 12, and 16 of U.S. Patent No. 7,402,554.

Applicants have submitted a terminal disclaimer for the present application over U.S. Patent No. 7,402,554, which is also assigned to The Procter & Gamble Company.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-8 and 11-15 is respectfully requested.

Respectfully submitted,

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